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VIA ECF & FAX (718-613-2365)

Hon. Cheryl L. Pollak
United States Magistrate Judge
United States District Court, EDNY
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Diaz v. Portfolio Recovery Associates, LLC, et al.
Index: 10-CV-3920
Our File: 30790

Your Honor:

I represent Plaintiff in the above referenced matter. By letter dated 6/7/2012, I informed the Court that the parties had reached a settlement and that the parties anticipated filing a discontinuance within 30 days.

Since that time, I have provided opposing counsel with the agreed upon general release of the sole remaining defendant, Malen & Associates, and I now await her provision to me of Defendant's release of Plaintiff, as well as the settlement check. By agreement of the parties, my client's release of Defendant is to be held in escrow pending payment of the settlement amount and my receipt of Defendant's release of Plaintiff. Likewise, the parties have agreed that a stipulation of discontinuance with prejudice will be filed upon my receipt of the release, and the full settlement amount. I have also conditioned discontinuance on opposing counsel's confirmation that the 1099 will be issued to my office with the settlement payment marked "gross proceeds to an attorney" (rather than issued directly to my client).

I have repeatedly requested information from opposing counsel as to when a release and settlement check will be sent, and have also repeatedly requested confirmation that the 1099 will be processed appropriately. I have not received any response.

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For this reason, I request that Your Honor schedule a brief telephone conference with the parties to address finalization of the settlement.

Respectfully,

Daniel A. Schlanger, Esq.

cc: Jill Alward, Esq.